

I hereby certify that this correspondence is being transmitted to the  
United States Patent and Trademark Office through EFS-Web on:  
February 27, 2009.  
Reinhart Boerner Van Deuren S.C.

**PATENT APPLICATION**

By: /Linda Kasulke/  
Linda Kasulke

Date: February 27, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 2878

EXAMINER: Thanh X. Luu

In re application of: William J.	)	
Furnas	)	
	)	
Application No: 09/318,249	)	
	)	
Confirmation No.: 1103	)	For: CONTAINER INSPECTION
	)	MACHINE
Filed: May 25, 1999	)	
	)	
Attorney Docket No. 5298-18	)	
	)	
Customer No.: 22922	)	

**Commissioner for Patents**  
**Petitions Branch**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**STATEMENT FOR RESUBMISSION OF PETITION FOR REVIVAL OF AN**  
**APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER**  
**37 CFR 1.137(b) AND REVISED BRIEF ON APPEAL**

Attached to this statement is the previously submitted Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), Revised Brief on Appeal, and date stamped postcard. The postcard shows that the Petition for Revival and the Revised Brief were timely filed on March 11, 2008.

No fees are believed to be due at this time, however, applicants authorize the U.S. Patent and Trademark Office to charge to deposit account no. 18-0882 any fees necessary to secure entry of this Petition for Revival and Revised Brief on Appeal.

Applicants respectfully request entry of this statement, consideration of the Petition for Revival, revival of the application U.S. Serial No. 09/318,249, consideration of the Revised Brief, and reversal of the Examiner's rejection.

Respectfully submitted,

/Alec Smyczek/

Alec Smyczek, Esq.

Reinhart Boerner Van Deuren s.c.

Attn: Linda Kasulke, Docket Coordinator

1000 North Water Street, Suite 2100

Milwaukee, WI 53202

Registration No. 63,576  
Telephone No.: 414-298-8230  
Customer No.: 22922

## ASSISTANT COMMISSIONER OF PATENTS OR TRADEMARKS

March 7 2008

Kindly acknowledge receipt of the items marked (x). Please date stamp and return.

Applicant W. J. Funnas Serial No. 09/318,249

Amendment	<input type="checkbox"/>
Abandon/Application*	<input checked="" type="checkbox"/>
Assignment	<input type="checkbox"/>
Cert. Priority Doc.	<input type="checkbox"/>
Statement of Use	<input type="checkbox"/>
Specimens (3)	<input type="checkbox"/>
Drawings _____ Sheets	<input type="checkbox"/>
Appeal/Brief Revised	<input type="checkbox"/>



Info. Disclosure Statement	<input type="checkbox"/>
Issue Fee Transmittal	<input type="checkbox"/>
Missing Parts	<input type="checkbox"/>
Extension of Time	<input type="checkbox"/>
Transmittal Letter in trip/dup.	<input type="checkbox"/>
Check for \$ _____	<input type="checkbox"/>
Other: <u>Petition to Revive</u>	<input checked="" type="checkbox"/>
<u>Copy of R&amp;S + Decision</u>	<input checked="" type="checkbox"/>

\* Specification has \_\_\_\_\_ pages, including \_\_\_\_\_ claims, and un/signed Declaration.

Attorney STS Docket No. 5298-18

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 5298-18
--	-------------------------------------

First named inventor: WILLIAM J. FURNAS

Application No.: 09/318,249

Art Unit: 2878

Filed: May 25, 1999

Examiner: Thanh X. Luu

Title: CONTAINER INSPECTION MACHINE

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ 1,540.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Revised Brief on Appeal (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

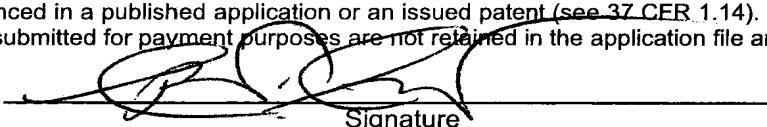
## 3. Terminal disclaimer with disclaimer fee

 Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature



Date

Spencer T. Smith

25,926

Typed or printed name

Registration Number, if applicable

Emhart Glass Research Inc., 89 Phoenix Avenue, P.O. Box 1229

(860) 814-4052

Address

Telephone Number

Enfield, CT 06083-1229

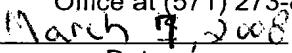
Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Charge the Petition fee to Deposit Account No. 05-0696**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.



Date



Signature

Jean L. Gianfriddo

Typed or printed name of person signing certificate